



## EXECUTIVE SUMMARY

# NAVIGATING IRREGULARITY: THE IMPACT OF GROWING UP UNDOCUMENTED IN EUROPE



**PICUM**

PLATFORM FOR INTERNATIONAL COOPERATION ON  
UNDOCUMENTED MIGRANTS

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PICUM extends its sincere thanks to all PICUM members who contributed to this report, and to PICUM Advocacy Trainees Emer Connor and Saskia Basa for their support.



This publication was made possible with kind support from:



This publication has received financial support from the European Union Programme for Employment and Social Innovation "EaSI" (2014-2020). For further information please consult: <http://ec.europa.eu/social/easi>



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Undocumented children are part of our communities and share the hopes and dreams of any other children. Yet, due to their irregular residence status, their lives and the lives of their families are characterized by uncertainty and instability across many different areas. This paper focusses on six areas impacted by their irregular residence status: housing, access to services, income and socio-economic status, residence procedures and immigration enforcement (including detention), school life, and family life. These are the areas in which children are either most invisible, or the areas central to children's lives.

There is no reliable estimate of the number of undocumented children in Europe, although national-level estimates exist and some EU-wide data on subsets exist. While there are many undocumented children who are "unaccompanied", most live with their parent(s). Many were born or have lived in Europe for several years: 68 percent of undocumented children whose parents were surveyed in Ireland, were born there, for instance.<sup>1</sup>

## Resilience of undocumented children and young people

The detrimental effects of insecure residence status on mental and physical health are mentioned throughout this publication. However, it is crucial to underline the potential, resourcefulness and adaptability of all children, once they are given the resources and environment needed to thrive and self-actualise in.

Undocumented children and young people can be remarkably resilient and capable of amazing achievements – not the least of which is navigating life without a secure residence status. However, resilience<sup>2</sup> is not innate to one child and absent in another. It is an ordinary adaptation to adversity or potentially traumatic events given the right resources.

Resilience is based on interactions between the child and their environment. That environment can include both risk, protective and mediating factors. A risk factor could be stress resulting from the threat of deportation; a mediating factor could be the family's resources and socio-economic status. Protective factors could be a warm parent-child relationship or supportive friendships. Moreover, individual children may be resilient to some risks, but not to others, and risk and protective factors do not have the same effects in all conditions in everyone.

Undocumented children are not irrevocably limited or marked by their experiences, but they are harmed in both the immediate and long-term by current policies and practices. If governments and society at large provide these children with the start they need, they are able to live fulfilling lives and contribute to society when they reach adulthood.

- 1 Migrant Rights Centre Ireland, 2020, *"We live here, we work here. We belong here." A survey of over 1,000 undocumented people in Ireland.*
- 2 See a.o. Michael Rutter's theory in Shean M., 2015, *Current theories relating to resilience and young people: a literature review*, Victorian Health Promotion Foundation.

## Housing

Where children live affects their present and future, but a child's housing situation depends to a large extent on their parents' or other people's abilities to secure quality, safe and secure housing. While undocumented parents do their utmost to provide stable, quality housing to their children, they are often unable to offer them the same housing conditions as other parents.<sup>3</sup> They often lack income or face discrimination on the housing market. Homeowners who rent to undocumented migrants may be criminalised and homeless shelters may exclude undocumented migrants because of their irregular status. For many undocumented parents, the only option is paying high rents to live in inadequate and unsafe housing.<sup>4</sup>

Inadequate housing harms a child's health, both on the short and long term, because children's bodies are constantly developing during childhood and adolescence, and because they typically spend more time indoors and closer to the floor than adults.<sup>5</sup> Children's risk of ill-health and disability increases by up to 25 percent during childhood and early adulthood when they experience multiple housing problems.<sup>6</sup> Mental health problems are also more

prevalent among homeless children than among their non-homeless peers. Nearly half of the homeless migrant children surveyed in Paris said they "don't feel safe" or "don't feel safe at all."<sup>7</sup> A child's housing situation impacts their education: homeless children have lower levels of academic achievement that cannot be explained by differences in ability.<sup>8</sup> A child's housing situation also impacts their social life and their ability to make lasting friendships and maintain social networks.<sup>9</sup>

## Access to services

Although child rights are applicable to all children, irrespective of their residence status, undocumented children have limited access to social services. This includes access to education, access to health care, early childhood education and care and protection when they are a victim of crime.<sup>10</sup> When service providers report undocumented migrants' personal data to immigration enforcement entities (in the absence of "firewalls"<sup>11</sup> that would prevent such reporting of irregular status), or when a family has mixed migration statuses, undocumented children and parents hesitate to reach out and seek (necessary) help.

- 3 See for instance in Bloch A., Sigona N. & Zetter R., 2014, *No Right to Dream: the social and economic lives of young undocumented migrants in Britain*, Paul Hamlyn Foundation.
- 4 This has been observed numerous times in numerous countries. E.g. Harrison M., Law I., and Phillips D., 2005, *Migrants, Minorities and Housing: Exclusion, Discrimination and Anti-discrimination in 15 Member States of the European Union*, European Monitoring Centre on Racism and Xenophobia; DW, 29 January 2020, *Migrants face housing discrimination in Germany* [checked on 26 March 2020]; RTE, 15 August 2019, *Migrants face discrimination in rental housing market – Charity* [checked on 26 March 2020].
- 5 For instance, Oudin A., Richter J.C., Taj T., et al., 2016, *Poor housing conditions in association with child health in a disadvantaged immigrant population: a cross-sectional study in Rosengård, Malmö, Sweden*. BMJ Open.
- 6 Such as bad housing conditions, overcrowding, etc. Harker L., 2006, *Chance of a lifetime: The impact of bad housing on children's lives*, Shelter.
- 7 Refugee Rights Europe, 2018, *Still on the Streets : Documenting the situation for refugees and displaced people in Paris, France*.
- 8 Harker L., 2006, *Chance of a lifetime: The impact of bad housing on children's lives*, Shelter.
- 9 European Federation of National Organisations Working with the Homeless (FEANTSA), 2007, *Child Homelessness in Europe – an Overview of Emerging Trends*.
- 10 PICUM, 2018[2015], *Protecting undocumented children: Promising policies and practices from governments*; European Union Agency for Fundamental Rights, 2011, *Fundamental rights of migrants in an irregular situation in the European Union*.
- 11 PICUM, 2020, *Data Protection and the "Firewall": Advancing the right to health for people in an irregular situation*; PICUM, 2020, *Creating safe spaces, addressing health inequalities*; PICUM, n.d., *Why a Firewall?*

## Income and socio-economic status

There is little to no data on the income of undocumented households and the risk, or the level, of poverty they face. However, migrants overall face poverty and social exclusion at a higher level than citizens,<sup>12</sup> and irregular migration status relegates undocumented workers to the informal economy, where they are systematically underpaid and exploited.<sup>13</sup> One 2011 survey of 170 undocumented persons in Belgium showed that half had an income of less than 145 euros per month.<sup>14</sup> Undocumented workers that were apprehended in Spain in the fall of 2020 earned two euro per hour, one third of the mandatory minimum wage.<sup>15</sup>

Income is a key social determinant of health and inextricably linked to children's well-being and life chances: it affects the community in which they live, the quality of life, the food available to them, the type of housing they live in and the sense of security they experience. Undocumented children living in poverty often go hungry or eat a poor diet and families face challenges in offering decent shoes and clothing, necessary school supplies, internet at home, toys or even essentials like shower gel and shampoo.<sup>16</sup> Yet unlike other families that live in poverty, undocumented parents are not eligible for support such as unemployment assistance or minimum income in any of the EU member states.<sup>17</sup>

Many undocumented children and young people grow up in a context where there is chronic or toxic stress<sup>18</sup> due to an accumulation of problems such as poverty, debt, social isolation and uncertainty about the future. Experiencing chronic or toxic stress as a child can lead to high risk of cardiovascular disease, cancers, asthma, and depression when they are adults<sup>19</sup>, and even a temporary drop in cognitive functioning.<sup>20</sup>

Formal and informal support networks are important to bridge gaps and take care of basic needs, including food banks and informal food parcel systems.



- 12 EUROSTAT data from 2019 confirms that there is a 39 percent risk among migrants to find themselves in conditions of poverty or social exclusion, compared to a 19.5 percent risk among EU natives. See: European Commission, 2020, [Action Plan on Integration and Inclusion 2021-2027](#). See also Eurostat, [Migrant integration statistics - at risk of poverty and social exclusion](#).
- 13 For more on undocumented workers, see a.o. PICUM, 2020, [A Worker is a Worker: How to ensure that undocumented migrant workers can access justice](#); PICUM, 2020, [PICUM key messages and recommendations on human trafficking](#).
- 14 Schockaert I., Nicaise I., 2011, [De leefomstandigheden van dak – En thuislozen en van mensen zonder wettelijke verblijfsvergunning: eerste resultaten](#), HIVA.
- 15 BBC, 12 December 2020, [Spanish police rescue 21 'exploited' migrant workers from warehouse](#) [checked on 18 January 2021]; EuroWeeklyNews, 4 February 2020, [Minimum wage in Spain is officially increased to €950 per month](#) [checked on 29 December 2020].
- 16 Undocumented teenagers in the Netherlands listed these items themselves. Kromhout M., Reijersen van Buuren A., Kloppenburg R., van Doorn L & van Os C., 2014, [Kinderen buiten beeld. Een onderzoek naar de woon- en leefsituatie van ongedocumenteerde kinderen](#), Hogeschool van Utrecht, Defence for Children and Stichting LOS.
- 17 PICUM, [forthcoming, Designing labour migration policies to promote decent work](#).
- 18 The term 'chronic' stress comes from the medical world and denotes "a constant stress experienced over a prolonged period of time, [which] can contribute to long-term problems for heart and blood vessels." The term 'toxic stress' comes from the Adverse Childhood Experiences research and "alters the developing brain and gives rise to diseases, both physical and mental. Stress hormones such as cortisol and adrenaline shut down areas of the brain as a defence against uncontrollable feelings related to fear. Toxic stress is of a different order to ordinary stress in that it is persistent and systemic, the child has no control over their situation and nothing they can do will make a difference, they are powerless to change the situation and it is a more or less permanent situation." Source: Cunnane D., 13 March 2018, [Toxic stress vs chronic stress – what is the difference?](#), Our Time's views. For more about the Adverse Childhood Experiences research, see [www.cdc.gov/violenceprevention/aces/](http://www.cdc.gov/violenceprevention/aces/).
- 19 Johnson S., Riley A., Granger D. & Riis J., 2013, [The Science of Early Life Toxic Stress for Pediatric Practice and Advocacy](#), Pediatrics, 131 (2) 319-327.
- 20 Kelly-Princeton M, 30 August 2013, [Poverty does bad things to your brain](#), Futurity [checked 18 January 2021]; Mani A., Mullainathan S., Shafir E. & Zhao J., 2013, [Poverty Impedes Cognitive Function](#), Science 341, 976-980.

## Residence procedures and immigration enforcement, including detention

Thousands of children – both accompanied and unaccompanied – across Europe are involved in residence procedures.<sup>21</sup> While the interaction between unaccompanied children and immigration authorities is often recognized by policy makers and civil society, there is less awareness and understanding of the degree to which undocumented children in families interact with immigration authorities. When no interpreter is available and parents do not know the country's language, but their school-age children do, children are tasked with translating letters for their parents or accompanying them during residence permit interviews, visits to the family's lawyer or social and health services.

Being the family's guide or interpreter can empower the child, but it can also harm them when too much is asked of them, when they hear their parents' traumatic experiences or witness them in distress, or when they are forced to be the messenger of very difficult news: a negative decision concerning a request for protection or other status or an order to leave the territory.

Going through residence procedures is a nerve-racking experience, for adults and children alike, and telling the story over and over can retraumatize them. And, when the residence application is denied, the person's mental health greatly deteriorates. Sometimes, children simply give up. Swedish medical professionals have documented cases of resignation syndrome where undocumented children end up in an unresponsive state.<sup>22</sup>

Immigration detention also has shown to be harmful. Studies<sup>23</sup> have documented that detained adults and children have higher levels of mental health problems than people who are not detained. The longer they were detained, the more they suffered. One reason for the harm of detention is the lack of agency: being able to do something and protect oneself helps prevent a horrible experience from having long-lasting psychological scars.<sup>24</sup> International human rights and child rights bodies<sup>25</sup> have all recommended children never be detained for migration purposes.

Many undocumented children, including those who are very young, fear the police because they fear being arrested, detained and deported.



- 21 For EU-wide data on children in asylum and migration procedures, see Eurostat dataset “Children in migration (mci)”.
- 22 Bodegard G., 2007, *Pervasive loss of function in asylum-seeking children in Sweden*; Joelsson L., Dohlin K., 2005, *The asylum seeking process a breeding ground for apathy among certain children. A negative answer concerning the residence permit is often a triggering factor*, *Lakartidningen*, 102 (48), 3646-50; Bodegard G., 2004, *Case reports of devitalization because of depression. Refugee children seeking asylum develop life-threatening losses of function*, *Lakartidningen*, 101(19), 1696-9.
- 23 Amongst others Lorek A., Ehntholt K., Nesbitt A., Wey E., Githinji C., Rossor E. & Wickramasinghe R., 2009, *The mental and physical health difficulties of children held within a British immigration detention centre: A pilot study*, *Child Abuse & Neglect* 33 (9), 573-585; Australian Human Rights Commission, 2014, *The Forgotten Children: National Inquiry into Children in Immigration Detention*; Von Werthern M., Robjant K., Chui Z., Schon R., Ottisova L., Mason C., Katona C., 2018, *The impact of immigration detention on mental health: a systematic review*, *BMC Psychiatry*, 382, n.p.
- 24 van der Kolk B., 2014, *The Body Keeps the Score. Mind, Brain and Body in the Transformation of Trauma*, Penguin Books.
- 25 Among others: Health Professionals Against Immigration Detention, 2016, *Open letter from health professionals against immigration detention*, *The Lancet*, 388 (100559), 2473-2474; by the EU Court on Human Rights (*Popov v. France* App no 39472/07 and 39474/07 (ECtHR, 19 January 2012); *Muskhadzhiyeva and Others v. Belgium* App no 41442/07 (ECtHR 19 January 2010); *Kanagaratnam and Others v. Belgium* App no 15297/09 (ECtHR 13 December 2011).); UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, 2017, *Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return*.

## School life and feeling supported

A child's school experience is formative beyond the purely educational. The school environment functions as a mediating factor in their life, providing a social safety net or 'protective layer' around them, while they navigate other challenges in their day-to-day. Enabling undocumented children access to education, including early childhood education and care, extra-curricular activities and internships, is therefore key to nurturing a child's resilience and a safe and secure future.

However, the often implicit rather than explicit inclusion of undocumented children in countries' education-related laws, causes undocumented children to be excluded from (part of) the education system.<sup>26</sup> They may not be able to enrol or not be able to participate fully.



They may also start on an unequal footing. Children raised in poverty, as many undocumented children are, are likely to have a disadvantage in the formal education system before even starting school.<sup>27</sup> School holidays come with additional challenges for them as well: meals and leisure activities that are usually covered at

school need to be covered by the parents on top of the usual household expenses, and a child's mental health may worsen due to the increased financial pressure on the family.<sup>28</sup> Economically-precarious children may also be more likely to experience 'learning loss' over the holidays than their peers.<sup>29</sup>

Residence procedures also impact undocumented children's education, for example when they (have to) attend interviews or go to the immigration authorities for other procedural reasons. This also happens when interpreters are unavailable and parents do not speak the country's language well, but their school-age children do.

## Family life and secure attachment

Children who grow up in a warm, loving family, with secure attachment to their primary caregiver, will be able to use this experience as a strong foundation for success and resilience later in life. Experiencing love and safety protects the child's mental health, as social support is the most effective protection mechanism against trauma and stress.<sup>30</sup> Reversely, long-term deprivation of a child from their primary caregiver (because part of the family is detained, for example) is likely to cause cognitive, emotional and social damage.<sup>31</sup>

26 European Union Agency for Fundamental Rights, 2011, *Fundamental rights of migrants in an irregular situation in the European Union* and PICUM, 2018 [2015], *Protecting undocumented children: Promising policies and practices from governments*.

27 Higgs S., Coe R., & Gorard S., 5 December 2014, *How to improve the chances of poor children at school*, The Conversation [checked on 18 January 2021]. See Platt L., 3 December 2014, *Parents' fortunes matter for cognitive development of 11-year-olds*, The Conversation [checked on 18 January 2021] for the impact of parent's income on a child's cognitive development.

28 Morgan K., Moore G., 4 April 2019, *Poorer children's summer holiday experiences linked with worse mental well-being*, The Conversation [checked on 18 January 2021].

29 Shinwell J., Defeyter M.A., 2017, *Investigation of Summer Learning Loss in the UK – Implications for Holiday Club Provision*, *Frontiers in Public Health*, 5 (270).

30 van der Kolk B., 2014, *The Body Keeps the Score. Mind, Brain and Body in the Transformation of Trauma*, Penguin Books.

31 McLeod S., 2017, *Bowlby's Attachment Theory*, Simply Psychology.

For undocumented parents, managing the day-to-day difficulties caused by their residence status and/or experiencing discrimination can force them to be less available for interaction with their children than they would want, or their children need. This in turn can cause stress to the child since their primary source of comfort and consolation feels absent. Growing up in a chronically-stressed family can result in higher cortisol levels, which can cause the development of physical and behavioural problems like anxiety and depression.<sup>32</sup>

In some families, a change in parent-child role relations occurs, with children taking up roles that are usually filled by parents.<sup>33</sup> This 'parentification' of the child can adversely affect their socio-emotional development and mental health if the demands placed on them exceed their capacity to comply. However, shouldering family responsibilities that are within their developmental capacities may lead to more self-reliance and competence.<sup>34</sup>

### Conclusion: navigating irregularity and finding durable solutions

While no undocumented child is alike, many have lived through several potentially traumatic events. The significance of experiencing trauma cannot be understated: it divides the world into those who experienced the trauma and can understand them, and those who did not, cannot understand them and

cannot be trusted.<sup>35</sup> That includes service providers, immigration officials and others who may want to help them.

An important mitigating factor when experiencing potentially traumatic events is agency – being able to do something about the situation. But because they are children, and because as migrants they are mostly dependent on decisions made by others,<sup>36</sup> their agency is more limited.

An irregular residence status does not provide children with the safe and secure foundation they need to thrive as children and as adults. The fact that many undocumented children grow up to be intelligent and responsible young people and adults who want to contribute to the communities they live in speaks to their own resilience and their parents' parenting skills.

All children can reach their potential and be resourceful and adaptable once they are given the resources and environment needed to thrive and self-actualise in. However, undocumented children and young people cannot reach their full potential until they have a secure residence status. This is why it is important for governments to develop and integrate best interests procedures that result in a durable solution that is in the best interests of the child in national law, foresee in-country residence procedures based on child rights, and ensure full access to services for undocumented children.

32 Ashman, Dawson, Panagiotides, Yamada, & Wilkins, 2002; Gershoff et al., 2007; Lupien, King, Meaney, & McEwen, 2000 in: H. Yoshikawa and A. Kalil, *The Effects of Parental Undocumented Status on the Developmental Contexts of Young Children in Immigrant Families* 2011; Lupien S.J., King S., Meaney M.J., & McEwen B.S, 2000, *Child's Stress Hormone Levels Correlate with Mother's Socioeconomic Status and Depressive State*, *Biological Psychiatry*, 48(10), 976-980; Concordia University, 2011, *Behavioural problems linked to cortisol levels: Study finds intervention needed as soon as behavioural problems appear*, *Science Daily*.

33 Heath H., 2006, *Parenting: a relationship-oriented and competency-based process*, *Child Welfare*, 85(5), 749-766, in Ahmad Ali M., 2008, *Loss of Parenting Self-efficacy among Immigrant Parents*, *Contemporary Issues in Early Childhood*, 9 (2), 148-160 2.

34 Macfie, J., Brumariu, L. E., & Lyons-Ruth, K., 2015, *Parent-child role-confusion: A critical review of an emerging concept*, *Developmental Review*, 36, 34-57.

35 van der Kolk B., 2014, *The Body Keeps the Score. Mind, Brain and Body in the Transformation of Trauma*, Penguin Books.

36 For instance, immigration officials, but also landlords, social service providers, etc.



# RECOMMENDATIONS

The following recommendations are to governments who develop policies impacting undocumented children on the local, national, regional as well as global levels:

## 1 **Residence procedures, including best interests procedures:**

- › Develop and integrate best interests procedures in national migration law that result in a durable solution that is in the best interests of the child.
- › As long as best interests procedures are not fully implemented at the national level, ensure that children and young people have access to in-country residence procedures and regularisation mechanisms based on child rights.

## 2 **Integration and access to services, including education:**

- › Ensure that children have full access to services irrespective of residence status including free or affordable preventive healthcare and mental health care.
- › Analyse and mitigate the practical, financial and administrative barriers that prevent undocumented children and families from accessing services.
- › Ensure a firewall (a clear separation of roles) is in place between service providers and migration authorities so that undocumented children and their parents do not fear accessing the support they need.

## 3 **Poverty reduction:**

- › Ensure that initiatives and services aimed at combating poverty take into account and target undocumented children and parents.
- › Protect working parents from exploitation, including low pay, by addressing gaps in labour law coverage and making explicit the social inclusion of all workers, regardless of status.

## 4 **Participation:**

- › Consult (formerly) undocumented children, young people and parents when developing new policies and practices, including migration procedures, that will impact undocumented children.
- › Actively seek to understand how policies and practices impact undocumented children and families.

## 5 **Protection from violence:**

- › Evaluate and reform policies and practices that might harm undocumented children and their families, including immigration detention, family separation, forced homelessness, malnutrition, and social isolation.
- › Do not criminalize humanitarian assistance to undocumented children and adults.
- › Inform undocumented adults and children, and raise awareness with service providers, of the rights of undocumented migrants and existing child protection policies, adapting the form to the relevant target audience.
- › For local governments, support the formal and informal support networks that surround undocumented children and families, as these can help mitigate the negative consequences of their undocumented status.







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